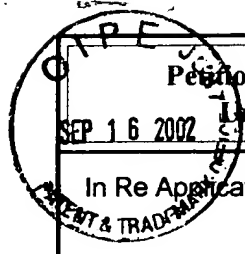


#21 DAC



Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)

COPY OF PAPERS
ORIGINAL FILED

Docket No.
DVL-003PAT

In Re Application Of: **Donald V. Lightcap et al.**

Serial No.
09/128,753

Filing Date
August 4, 1998

Examiner
Alton Pryor

Group Art Unit
1616

Invention: **COMPOSITION, METHOD, AND APPARATUS FOR PROTECTING PLANTS FROM INJURY CAUSED BY FROST OR FREEZING TEMPERATURES**

ASSISTANT COMMISSIONER FOR PATENTS

Attention: Office of Petitions
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and

1. ☒ A proposed reply to the above-identified Office Action:

☐ is enclosed. ☒ was filed on July 10, 2002

The proposed reply is in the form of: _____

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ A small entity declaration:

☐ is enclosed. ☒ was filed on August 4, 1998

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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SEP 20 2002

OFFICE OF PETITIONS

Adjudication Date: 09/17/2002
09/17/2002 CNGUYEN 00000077 09128753
01 C:241
10/04/2002 AKELEY 0000121462
Refund Refund Total: \$640.00
CHECK

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

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1616

Invention: **COMPOSITION, METHOD, AND APPARATUS FOR PROTECTING PLANTS FROM INJURY**

Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$640.00
8. ☐ Fee for amendment in the amount of: _____
9. ☐ Fee for extension of time to reply to Office Action in the amount of: _____
10. ☐ Issue fee in the amount of: _____
11. ☐ Continuing application filing fee in the amount of: _____
12. ☐ Terminal disclaimer fee in the amount of: _____
13. ☐ _____

Total fees enclosed: \$640.00

The fee of **\$640** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. _____
- A duplicate copy of this sheet is enclosed.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

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ORIGINAL PAPERS
FILED

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1616

Invention: COMPOSITION, METHOD, AND APPARATUS FOR PROTECTING PLANTS FROM INJURY

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The Applicant wishes to note that The Office Action dated September 21, 2001 was never received. The Applicant (Mark F. Smith) has carefully reviewed his files and has confirmed that the Office Action was never received by the Applicant. The Applicant files a Petition for Revival of an Application for Patent Application Abandoned Unavoidably. A letter dismissing the Petition was mailed on September 4, 2002 stating that the Applicant failed to notify the Patent Office of a Change of Address.

The Applicant respectfully submits that a Change of Attorney Address was sent to the United States Patent and Trademark Office on April 13, 2001 and another change of Address was filed on May 3, 2002. Unfortunately, the Applicant submits that upon review of his files he could not find the return postcard showing the change of address was received by the Patent Office. According, the Applicant files this Petition.


Signature

Dated: September 9, 2002

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SEP 20 2002

OFFICE OF PETITIONS

cc:

I certify that this document and fee is being deposited on
September 9, 2002 with the U.S. Postal Service as first
class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.


Signature of Person Mailing Correspondence

Mark F. Smith

Typed or Printed Name of Person Mailing Correspondence



COPY OF PAPERS
ORIGINALY FILED

PLEASE DATE STAMP AND RETURN

Applicant: Donald V. Lightcap, Jr. et al.

Serial No.: 09/128,753 Group Art: 1616

Filing Date: August 4, 1998

**Title: COMPOSITION, METHOD, AND APPARATUS
FOR PROTECTING PLANTS FROM INJURY CAUSED
BY FROST OR FREEZING TEMPERATURES
ENCLOSED HERewith IS THE FOLLOWING**

**Change of Attorney Address in Application and Certificate
of Mailing dated April 13, 2001.**

RECEIVED

SEP 20 2002

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